

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:17-cr-5-04

v.

HON. PAUL L. MALONEY

BRANDY MARIE RUPRIGHT,

Defendant.

REPORT AND RECOMMENDATION

Pursuant to W.D. MICH. L.CR.R. 11.1, I conducted a plea hearing in the captioned case on June 5, 2017, after receiving the written consent of defendant and all counsel. At the hearing, defendant Brandy Marie Rupright entered a plea of guilty to Count 1, charging defendant with Conspiracy to Distribute and Possess with Intent to Distribute Heroin and Cocaine Base in violation of 21:846, 21:841(a)(1), 21:841(b)(1)(B)(i), 21:841(b)(1)(B)(iii), 21:841(b)(1)(C), in exchange for the undertakings made by the government in the written plea agreement. On the basis of the record made at the hearing, I find that defendant is fully capable and competent to enter an informed plea; that the plea is made knowingly and with full understanding of each of the rights waived by defendant; that it is made voluntarily and free from any force, threats, or promises, apart from the promises in the plea agreement; that the defendant understands the nature of the charge and penalties provided by law; and that the plea has a sufficient basis in fact.

I therefore recommend that defendant's plea of guilty to Count 1 be accepted, that the court adjudicate defendant guilty, and that the written plea agreement be considered for acceptance at the time of sentencing. It is further recommended that defendant remain detained pending sentencing. Acceptance of the plea, adjudication of guilt, acceptance of the plea agreement, determination of defendant's status pending sentencing, and imposition of sentence are specifically reserved for the district judge.

This Court failed to file this Report and Recommendation after the plea was taken on June 5, 2017. A paper copy of this document was signed and given to defendant and defense counsel at the time of the plea and the defendant was informed that he had until 14 days to file any objections to the Report and Recommendation. No objections were filed. Because the Court failed to file the Report and Recommendation at the time of the hearing, the parties will be given until October 19, 2017 to file objections to this report and recommendation.

Date: October 12, 2017

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to de novo review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than fourteen days after the plea hearing. *See* W.D. MICH. L.CR.R. 11.1(d).